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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,987

03/31/2004

J. William Whitehart

10541-2004

8178

29074

7590

04/08/2008

VISTEON

C/O BRINKS HOFER GILSON & LIONE

PO BOX 10395

CHICAGO, IL 60610

EXAMINER

AZAD, ABUL K

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,987	<b>Applicant(s)</b> WHIKEHART, J. WILLIAM	
	<b>Examiner</b> ABUL K. AZAD	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on January 10, 2008.
2. Claims 1-24 are pending in this action.
3. The applicant's arguments with respect to claims 1-24 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US 2001/0049602).

As per claim 1, Walker teaches, "a system for generating an information announcement", the system comprising:

"a receiver to receive transmission information" (Fig. 1, element 16);

"a text-to-speech generator in communication with the receiver, the text-to-speech generator being configured to receive transmission information from the receiver, select a template from a plurality of predefined templates, and insert portions

of the transmission information into the template creating a message” (Paragraphs 0025-0029, here, “predefined templates” is “context rule”).

As per claim 2, Walker teaches, “wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates” (Paragraph 0028).

As per claim 3, Walker teaches, “wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter” (Paragraph 0033).

As per claim 4, Walker teaches, “wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information”.

As per claim 5, Walker teaches, “wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information” (Paragraph 0027, set of rule could be a music context detection rule).

As per claim 6, Walker teaches “wherein the text-to-speech generator is configured to determine if artist information is in the transmission information and to determine if the artist information is plural” (Paragraph 0027).

As per claim 7, Walker teaches, “wherein the transmission information includes next up information, and the text-to-speech generator selects the template based on the next up information” (Paragraph 0032).

As per claim 8, Walker teaches, "wherein the text-to-speech generator is configured to add phrases to the template, where the phrases are associated with the transmission information" (Paragraph 0033).

As per claim 9, Walker teaches, "wherein the phrases are associated with artist information in the transmission information" (Paragraph 0027).

As per claim 10, Walker teaches, "further comprising an input device, wherein the phrases are user definable via the input device" (Paragraph 0033).

As per claim 11, Walker teaches, "further comprising an audio summer configured to combine the message with a music signal" (Paragraph 0032).

As per claim 23, Walker teaches, "wherein the template includes a phrase and the portions of the transmission information are inserted into the phrase" (paragraph 0036-0037).

As per claims 12-22 and 24, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-11 and 23.

### ***Response to Arguments***

6. The applicant argues that Walker does not insert portion of the transmission information into the templates.

The examiner respectfully disagrees with applicant's above assertion because Walker teaches this feature at Paragraphs 0025 to 0029. Here, Walker teaches, text-to-speech generator receive text as transmission information, which is inserted in the context rule as predefined templates. According to Webster's Dictionary "templates" mean "pattern".

Claims are given their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

7. The applicant further argues that nothing in Walker teach or even suggests randomly selection a template.

The examiner disagrees with above assertion because Walker teaches this limitation at Paragraph 0028, here a context rule is randomly selected.

8. The applicant further argues that Walker cannot teach selecting teh template based on a counter.

Walker teaches this limitation in several portion of the reference for example at paragraph 0027, here indexing context rule by searching keyword and phases.

9. In response to applicant's argument Walker fails to teach a template being selected based on artist, title or next-up information, the examiner respectfully disagrees because Walker explicitly teaches this limitation at paragraph 0029 and 0035. Here, for example Walker teaches name of a baseball player as an artist, title as the name of the baseball game, and the context rule inherently giving the next-up information.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 7, 2008

/Abul K. Azad/  
Primary Examiner  
Art Unit 2626